



**COMMUNITY DEVELOPMENT DEPARTMENT**  
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## **PLANNING COMMISSION MEETING MINUTES**

### **REGULAR MEETING**

**MARCH 18, 2003**

**PRESENT:** Acevedo, Benich, Engles, Lyle, Mueller, Weston

**ABSENT:** Escobar

**LATE:** None

**STAFF:** Planning Manager (PM) Rowe, Senior Planner (SP) Linder, Associate Planner (AP) Tolentino, Housing Program Coordinator (HPC) Balderas, Deputy Fire Marshall (DFM) Hokanson, Senior Engineer (SE) Creer, and Minutes Clerk Johnson

Chair Acevedo called the meeting to order at 7:05 p.m.

### **DECLARATION OF POSTING OF AGENDA**

Minutes Clerk Johnson certified that the meeting's agenda was duly noticed and posted in accordance with Government Code Section 54954.2.

### **OPPORTUNITY FOR PUBLIC COMMENT**

Chair Acevedo opened the public hearing.

With no one present wishing to address matters not appearing on the agenda, the public hearing was closed.

Prior to commencing the business of the evening, PM Rowe announced this is the second of two meetings scheduled for the Commissioners to receive information regarding the scoring of the 23 applications received for the 2004-05 Measure P housing allocations for the City of Morgan Hill. He emphasized that there would not be allocations awarded at this meeting. PM Rowe also reiterated that those applicants who are ultimately successful in obtaining allocations must go through the formal development process, noting that any residents who wish to comment are provided the opportunity at the time of hearing for actual development.

Attention was then turned to past competitions wherein the Commissioners set a threshold or 'cut off' score for actual point(s) for consideration of the project as feasible for obtaining allocations in

the competition. Because of the need to limit the review to close competitive applications, only those projects scoring:

Small projects 160 ↑	Westside 170 ↑	Eastside 174 ↑
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will be further reviewed in letters, testimony, and evidence from the applicants. By consensus, the Commissions present (with Escobar absent) agreed that, because this strategy worked well in past competitions, the same procedure would be followed this year for tonight's meeting.

Bill McClintock, P.O. Box 1029, urged the Commissioners to hear and discuss all applications, as had been done at the prior meeting. Commissioners pledged that they would invite all applicants with lower scores to contact staff for continued discussion. They further indicated that those applicants would be invited to a date-certain meeting of the Commission when Commissioners would interact with the applicants for improvement of the projects with perhaps enhanced scoring in the future.

PM Rowe continued with explanation of the scoring process, and announced that the Commissioners would discuss the exact criteria for awarding of the one point reserved in the Quality of Construction by the Planning Commissioners.

“As part of the Quality of Construction, the Building Department had been charged with researching and making reference to those developers who provided ‘good performance’ while working in the City of Morgan Hill,” PM Rowe explained. At the request of the Commissioners, PM Rowe then read the list of work-quality-known developers who have applications in this competition.

Again by consensus, Commissioners present, with Escobar absent, agreed the small projects would be heard at the end of the meeting.

## **LEGALLY NOTICED PUBLIC HEARINGS**

### **OLD BUSINESS:**

#### **APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY'S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:**

a) **MEASURE P, MP-02-09: TILTON-BARNICK:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 17 single family dwelling units on 5.68 acres on north side of Tilton Avenue immediately west of the Union Pacific rail line.

PM Rowe presented the staff report. There were no adjustments; total score: 141

Chair Acevedo opened the public hearing

Kathleen Barnick, P.O. Box 620121, asked for reconsideration of the scoring, saying the extra lot could not be built on, but she was retaining it anyway.

Commissioner Lyle asked why this project had been resubmitted since the prior scoring, as well as this one, is well below the threshold for consideration for allocations?

Ms. Barnick referred to specific categories (such as safety), saying the prior applicant had received more points than had been awarded currently. This was disputed; DFM Hokanson asked to explain the scoring. He confirmed that it had received ½ point less than last year due to the police representative scoring less in the ‘ability to patrol’ category because of the design of the long, winding cul-de-sac layout.

PM Rowe pointed out this is a different developer for the project who has submitted a different site plan.

With no others present indicating a wish to speak to the issue, the public hearing was closed.

The applicant was reminded that the application could be discussed further with the Commissioners at a date certain, following contact with staff.

## **NEW BUSINESS:**

### **APPLICANTS FOR THE FOLLOWING PROPOSED RESIDENTIAL DEVELOPMENTS HAVE REQUESTED A BUILDING ALLOTMENT UNDER THE CITY’S RESIDENTIAL DEVELOPMENT CONTROL SYSTEM PURSUANT TO CHAPTER 18.78 OF THE MORGAN HILL MUNICIPAL CODE:**

**MEASURE P, MP-02-15; MISSION VIEW-MISSION RANCH:** A request for Residential Development Control System (Measure P) building allocations for Fiscal Year 2004-2005. The project consists of 47 single family residential dwellings on a 16.73 acre of a 75.08 acre site on the east side of Peet Road and south side of Cochrane Road. The project at build out will consist of 309 dwelling units.

Staff adjustments: Add 1 point to the Orderly and Contiguous category. Total: 180 points. PM Rowe pointed out there may be further adjustments in the Schools category.

Chair Acevedo opened the public hearing.

Dick Oliver, 275 Saratoga Ave., #105, Santa Clara, asked that points in the Schools category be reconsidered, calling attention to a letter from an adjoining property owner, wherein easement is given for the pathway to the school. Mr. Oliver also asked consideration of the traffic issues, saying that Peet Road is not presently a collector road and in the General Plan is indicated to be a two-lane arterial. He continued by asking leniency for the lateness of commencement on a current phase due to the EIR being delayed by City Staff, citing the section of Measure P that does not penalize if the developer is delayed through no fault of his own. With no others to speak to the matter, the public hearing was closed.

Commissioner Lyle said he agrees Peet Road should be scored as an arterial; he also asked staff to look at the proximity to schools to determine if the correct number of points had been given.

Commissioner Engles expressed concern that the project had been ‘picking up points on other projects’ and was not being required to pay the full amount(s) of impact fees.

PM Rowe said this fell into the category of ‘opportunity points’, whereby the developer could garner points for being adjacent to other projects, or in this case, a proposed school site.

Mr. Oliver called attention to three projects on San Pedro which receive points for pathways, while he receives none, even though his company installed the sidewalks on San Pedro that benefits those projects.

SE Creer commented that in scoring, every effort is made to achieve consistency in the general plans of the projects. “We look at past projects, trying to see how the safety features are applicable. We look at what the road’s current use is, seeing the current reality. Furthermore, if the street is designated as an arterial or collector, this category is very clear regarding present or future use,” he said. SE Creer continued by explaining the relationship of Public Works and Schools personnel scoring.

Commissioner Benich asked about the request for leniency with respect to points for continuing projects in the Orderly and Contiguous category.

Commissioner Lyle stated this had been a focus of discussion in the subcommittee, as well as agreement by the full Commission; there would be no leniency.

**MEASURE P, MP-02-18: DIANA-SHELTON:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 40 single family dwelling units on 15.36 acres on the south side of Diana Avenue and the northerly extension of Jasmine Way.

Staff adjustments: +2 Open Space category; +2 Orderly and Contiguous category; + 4 Natural and Environmental category (this increase is due to the grading plans indication which show that the cut/fills will be less than three feet. (The Schools category will be revisited by the scorers)  
Total points: 173

Chair Acevedo opened the public hearing.

Maureen Upton, 308 Tennant Station, said this project has consistently scored at the top in all competitions. Ms. Upton said appreciation would be for reconsideration of the Schools scoring, as alternative pathways will be provided. She also stated that Jasmine is a safe walking way to the Nordstrom school. Ms. Upton called attention to the 100-foot setbacks from an adjoining agricultural use (working vineyard), stating that the developer is working to ensure preservation of agricultural land by not interfering with the winery operations.

Mike Lawson, 1385 James Court, told Commissioners he had first been ‘against the project, but is now for it’. The representatives of the developer have worked hard to change the lot layouts to

make the project more compatible with the neighborhood.

It was noted that the applicant had submitted a letter for the Commissioners regarding the request.

Bill McClintock, PO Box 1029, asked the Commissioners to review the letter he had submitted regarding the project.

With no others present to address the matter, the public hearing was closed.

Commissioners engaged in discussion regarding the proposed 100-foot setback. SP Linder said the proposal meets the appropriate setback. She reminded that in the City of Morgan Hill the environmental recommendation is for a 100-foot buffer zone, and this project borders on property in the County, but still has the buffer zone in place.

Mr. McClintock joined the discussion, explaining the measurements of the buffer zone/set-backs.

It was ascertained during discussion that setbacks may be measured differently in varying areas due to the commitment to preserve agriculture, and that may entail identifying the various Ag operations, such as those which require spraying of pesticides, etc.

**MEASURE P, MP-02-19: E. CENTRAL-WARMINGTON:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 86 single family dwelling units on 21.07 acres on the East Central Avenue at Lancia Drive.

Staff adjustments: +1 in the Natural and Environmental category. Total points: 183

Chair Acevedo opened the public hearing.

Carolyn Kammerer, 3160 Crow Canyon Place, San Ramon, spoke to Commissioners as the representative of Warmington Homes. She said the project has seen 49 dwellings completed to date, with six left, following the 30 currently being requested, for a total of 86 homes in the venture. Ms. Kammerer indicated a scoring report which says that students will have to cross an arterial street on the path to a school. Disputing this, she indicated that there are two alternatives for the route to El oro School, either East Central or East Main.

As to the Open Space category, Ms. Kammerer said that the Culebara family has made significant contribution in the City and the developer is asking for points, as they plan to install a plaque on the spot where the family originally settled in the City. She noted the family remains a viable entity in the community and continues to operate a flower growing greenhouse.

Ms. Kammerer also appealed to the Commissioners for award of the one-point in the Quality of Construction category.

It was noted that the applicant had submitted a letter for the Commissioners regarding the request.

With no others to speak to the issue, the public hearing was closed.

Commissioner Lyle said that he believes the project was mis-scored, asking staff to review the point for crossing Central Avenue as a path to the school, and the points in Natural and Environmental where the points can be maximized for protection of areas external to the project, which he challenged in this instance.

Commissioner Mueller said that he favored giving the point for the plaques as Ms. Kammerer suggested, stating “It’s this portion of our history that is sometimes missing when we call attention to importance of achievement.” SP Linder reminded that the City requires that historical notice be based on designation of historical decree by a City, County or State. Commissioner Benich said it is worth a point and urged reconsideration of recognition of the significance of history and the contribution of this family.

Commissioner Mueller reminded that a plaque had been allowed points for designating a winery and trail to the winery in recent discussion regarding the Coyote Estates project.

Commissioners, by consensus with Escobar absent, asked staff to review the Schools category for this application, and increased the Natural and Environmental category to 14.5. Some concern was expressed that the implied requirement for Natural and Environmental should be reviewed, as there may be ways of ‘stretching’ historical significance to meet the category.

**MEASURE P, MP-02-22: BARRETT-ODISHOO:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 36 single family dwelling units on 7.06 acres on the south side of Barrett Avenue, west of San Ramon Drive.

Staff adjustments: +1 Open Space (total 20); +1 Orderly and Contiguous (total 19); - 1 Public Facilities (total 18); Revised total points: 177.

Chair Acevedo opened the public hearing.

Pennoel Odishoo, 6623 Whitbourne Dr., San Jose, told Commissioners he is asking for an additional ½ point, then introduced his engineer who provided information regarding the Public Facilities category.

Mitch Gabriel, 7651 Egleberry, Gilroy, indicated there had been a misunderstanding regarding the 10% set-aside requirement in the Public Facilities category. He explained that the total off-site allowance is actually \$2,500 due to the amount indicated being \$91,000, plus an additional \$88,000. Mr. Gabriel stated a belief that the Circulation Efficiency was disallowed in confusion with the off-site set-aside percentage requirement completed by an engineer.

Vince Burgos, 352 So. Eagle Nest Ln., Blackhawk, said that regarding lot layout issues, there were several detail to discuss, which he then outlined regarding the location of the triplexes.

SE Creer said that regarding Public Facilities, access had to be provided for circulation, and this included the lots facing St. James Place.

Commissioner Benich asked about the driveways on the Lot Layout portion of the plans. SP Linder said that this is a minor flaw, suggesting that the developer merely ‘flip the driveways’ to

correct that flaw.

Discussion ensued regarding the placement of the clustered triplexes, the BMRs and moderates, with staff noting that these are not scattered throughout the proposed development, but concentrated on one street.

Chair Acevedo asked if this is part of the 'feathering' emphasis. SP Linder said that the feathering is in transitional areas, and is not applicable here where a balance of housing types is needed throughout the development.

Commissioner Mueller asked that the Schools category be revisited by scorers.

**MEASURE P, MP-02-23: W. EDMUNDSON-PINN BROTHERS:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 45 single family dwelling units on 8.99 acres on the south side of West Edmundson Avenue south of Olympic Drive.

Staff comments: This project scored a total of 164.38, which is below the threshold for consideration at this time. Housing Types and Housing Needs will be revisited for potential scoring revision. HPC Balderas was asked to explain the 'rounding' process once again; she complied with the request. PM Rowe said that this is indicated to be a 45-unit project; this request is for 42 unitss.

Rob Peterson, 1475 Saratoga Ave, Ste. 250, San Jose, said the area school is limited to grades 4 - 6 and the pathway is .46 of a mile, 'well within the 3/4 mile required'. He called attention to Housing Types, saying the ration of the project 'clearly shows that the full points are deserved'. Regarding Orderly and Contiguous, Mr. Peterson asked for explanation of an indication in the report that the streets are too short and a center punch is needed onto Piazza Ct. SE Creer responded regarding Mr. Peterson's questions.

Mr. Peterson continued, explaining the street design, saying that the original plan had been to buy an adjoining property, but the cost is too high, and so the result is the cul-de-sac design as submitted.

Staff was asked to review the scoring in the alternative Housing Types category.

Mr. Peterson asked about the possibility of the underground utility easement being eliminated and the 'short block' between East Edmundson and the first lot of the development.

Vince Burgos, 352 So. Eagle Nest Ln., Blackhawk, questioned the Circulation Efficiency, particularly the parks/pathways portion, explaining the planned access to open space.

There were no others present to speak to the matter; the public hearing was closed.

The applicant was urged to meet with the Planning Staff to clarify matters of rounding, and the details of paving the pathways, then to return to a Commission meeting in the future for dialog on how to improve the project.

**MEASURE P, MP-02-24: SUNNYSIDE-QUAIL CREEK:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 54 single family dwelling units on

9.64 acres on the east side of Sunnyside Avenue, north of Watsonville Road.

Staff adjustments: +1 Open Space Total points 178. PM Rowe noted this is the final phase of the development

Chair Acevedo opened the public hearing.

Scott Schilling, 16160 Caputo Dr., #160, thanked the staff for their time and effort in working with him on this application.

To the Commissioners, Mr. Schilling made a request: If the allocations are granted, he would like them to be allocated over a two-year period.

With no others to speak to the issue, the public hearing was closed.

Commissioners and staff engaged in discussion regarding the points awarded for the 'excess buffer' and the activity of the agriculture land adjacent to the development.

**MEASURE P, MP-02-25: E. CENTRAL-CENTRAL PARK:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 35 single family dwelling units on a 11.51 acre portion of a 30 acre site on the northerly extension of Calle Hermosa, north of East Central Avenue. The project at build out will consist of 164 dwelling units.

Staff adjustments: + ½ point Open Space (total 17.5) Total points: 181.5

Chair Acevedo opened the public hearing.

Scott Schilling, 16160 Caputo Dr., #160, said he believes that the Schools category merits an additional ½ point where the Central Ave. crossing is located. He noted that Central is shown on the General Plan as a 'collector', but is not currently functioning as a collector. In the Natural and Environmental category, Mr. Schilling asked that consideration be given to a scoring change, as he read the criteria regarding protection of areas external to the project. He noted that indeed, his request is for internal project consideration, as the preservation of oak trees on the property will be protected.

With no others present to speak to the matter, the public hearing was closed.

Commissioners asked staff to review the Natural and Environmental category as they shared the concerns raised by the applicant regarding the trees on the property, as well as the connection of the linear park to other parks within walking distance.

Commissioner Lyle commented that the points for the crossing on Central needs to be reviewed, as it was discussed last week and has surfaced twice this evening.

Commissioner Mueller agreed, saying that all the projects deserve consideration of the points or none do.

All Commissioners agreed that consistency needs to be achieved, as Commissioner Mueller



stressed that the (traffic) dynamics of the area will change and therefore give 'current' in the criteria a 'different meaning'.

With no others indicating a wish to speak to the item, the public hearing was closed.

Chair Acevedo excused himself from further participation at 9:00 p.m. due to the remainder of the agenda consisting of small projects. Vice-Chair Mueller assumed the gavel for the remainder of the meeting.

**MEASURE P, MP-02-16: SAN PEDRO-TRUONG:** A request for Measure P allocations for Fiscal Year 2004-05. The project consists of 14 apartment units on a 1.03 acre parcel at the southwest corner of San Pedro Avenue and Church Street.

Staff comments: Total points for the project: 115.5

Vice Chair Mueller opened the public hearing.

H. D. Truong, 10787 Porter St., San Jose, asked the Commissioners to establish a task force to emphasize apartments. He said there is no opportunity for amenities on this site which could compare with those provided luxury homes, such as parks, open space, others. It was noted that the applicant had submitted a letter for the Commissioners regarding the request.

With no others present to address the matter, the public hearing was closed.

Commissioners encouraged the applicant to meet with staff for clear indication on how to improve the application, then return to the Commission at a time certain to receive helpful suggestions for preparing a more desirable application.

**MEASURE P, MP-02-17: HILL-GERA:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 17 single family dwelling units on 8.32 acres on the west side of Hill Road between Pear Drive and Jean Court.

Staff comments: This project received a total score of 169.

Vice-Chair Mueller opened the public hearing.

Bill McClintock, PO Box 1029, said there had been a mistake in not giving a point in the Orderly and Contiguous category for existing storm drains. He noted that while all the proposed drainage is shown off site, the existing pipes on Pear St. are adequate for the project.

George Gera, 13265 Uvas Rd., stated he has a prior history of building in the City, although he has not worked here for several years, his work is well known. Consequently, he asked for consideration of the 1 point to be awarded by the Commissioners in the Quality of Construction category.

With no others to speak to the matter, the public hearing was closed.

PM Rowe explained that the comments regarding developers made at the beginning of the

meeting reflected those who had completed work in the City within the past 3 - 5 years.

SP Linder said that the storm drain on Pear St. is not large enough for the total project, noting that the plans must indicate sizing for the entire project.

Commissioner Lyle asked staff to review the buffer to the adjoining agriculture land.

**MEASURE P, MP-02-20: BARRETT-DITRI:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 16 single family dwelling units on 4.11 acres on the north side Barrett Avenue, east of Barrett Elementary School.

Staff adjustment: + 1 Open Space (total category: 16) Total points: 161

Bill McClintock told Commissioners that in the Circulation Efficiency category, there will be a landscaped entry, but it is not appropriate within the design for an island (Safety category), so a decorative statement will be made with ornate pavement at the location.

With no others present indicating a desire to address the matter, the public hearing was closed.

Commissioner Lyle noted there is no mention of mitigation for the freeway noise, saying that needed to be addressed.

Bill McClintock said that the noise from the Church is more significant than the highway, so the houses will be set back 100-feet from that boundary.

Commissioner Benich asked staff about a noise study as part of the development agreement. SP Linder said that can be achieved, as well as air quality mitigation concerns.

Vice-Chair Mueller opened the public hearing.

Vice-Chair Mueller expressed concerns that this project is adjacent to a large assembly building and only one ingress/egress is provided, saying that the emergency vehicle access needs cause great concern. Commissioner Weston asked how the emergency exit issues could best be resolved? Vice-Chair Mueller stated an opinion that if the street were to connect to the Church parking lot, there would be good emergency exit possible. "What is the logic of a long cul-de-sac?" Vice-Chair Mueller asked. "Why not measure it from Barnett and Juan Hernandez?"

Bill McClintock said that if the street went through to the church parking lot, the street would not be within the required standards. Mr. McClintock also said the City encourages other uses along the freeway, and those uses do not include residential.

Responding to a question as to why schools are not required to address issues of parking, circulation, traffic, etc. with the Planning Commission, Vice-Chair Mueller stated that the Commission has no control over, nor say in, the requirements for the schools.

**MEASURE P, MP-02-21: SORRELL-TRAN:** A request for Measure P building allocations for Fiscal Year 2004-05. The project consists of 8 single family dwelling units on 7.2 acres on the northerly extension of Saddleback Drive, north of East Dunne Avenue.

Staff comments: + 3 Natural and Environmental category ( total 9), as the grading plan indicates that the cuts will be less than 3-feet. Total points 150

Vice-Chair Mueller opened the public hearing.

Bill McClintock called attention to the natural drainage swale, saying there had been efforts to try to preserve with an open space easement, knowing that the drainage areas can't be used for anything else. He also pointed out that Cole Rd. (being renamed Rosetta Dr.) Is a gravel road off Dunne Ave. He said that he has talked to the neighbors regarding a road agreement, but the Planning Staff is not considering those talks as there is not a contract in place.

Commissioner Benich asked questions regarding the natural pathway indicated on the plan. Mr. McClintock responded.

Vice Chair Mueller expressed concerns that this project is in early stages of development, going on to compare it to the project heard just prior.

Mr. McClintock talked about previous attempts at application for this site. McClintock also noted that the applicant had submitted a letter to the Commissioners regarding the request.

SE Creer called attention to statements by the owner, which say that Cole Ct. is not offered for public dedication, everything is to remain private through the use of easements.

With no one else present to speak to the issue, the public hearing was closed.

Accordingly, discussion of the applications for Measure P allocations for FY 2004-05 were concluded.

Commissioners directed attention to the scoring of the 1 point they will award in the Quality of Construction category. There are five sub-topics within the category. Commissioners expressed several theories on how best to achieve unanimity for the point, which will be awarded collectively.

Concluding that each Commissioner must give weighting to each of the sub-topics with a total scoring not to exceed 100%, with a sum of each sub-topic to scale 1 - 10 (ten being top), staff was directed to provide Commissioners with corrected scoring of the projects reflected from the discussion in the two meetings no later than Friday, March 21, 2003. Commissioners agreed to have numeric evaluation of their top projects available at the March 25, 2003 Planning Commission meeting.

Commissioners also concluded that further refinement of the process for awarding the 1 point is necessary before the next competition.

## **ANNOUNCEMENTS:**

**ADJOURNMENT:** There being no further business, Vice Chair Mueller adjourned the meeting at 9:55 p.m..

**MINUTES RECORDED AND PREPARED BY:**

**JUDI H. JOHNSON, Minutes Clerk**

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